

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**LEFRANTE WILLIAMS,**

)

)

**Plaintiff,**

)

)

**v.**

)

**CASE NO:** \_\_\_\_\_

)

**BIRMINGHAM CITY SCHOOLS,**

)

)

**Defendant.**

)

**DEFENDANT BIRMINGHAM BOARD OF EDUCATION'S  
NOTICE OF REMOVAL**

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Pursuant to 28 U.S.C. §§1331, 1343(a)(4), and 1441, *et seq.*, defendant Birmingham Board of Education (“Board”), misidentified as “Birmingham City Schools” in the Complaint, hereby presents this Notice of Removal of the instant action from the Circuit Court of Jefferson County, Alabama to the United States District Court for the Northern District of Alabama, Southern Division, and further shows to the Court as follows:

1. On November 10, 2020, Plaintiff Lefrante Williams commenced a civil action in the Circuit Court of Jefferson County, Alabama captioned *Lefrante Williams v. Birmingham City Schools*, Civil Action Number: 01-CV-2020-903849 by filing a Complaint attached hereto as Exhibit 1. The Board is the only defendant named in the referenced civil action.

2. The Board was served with the Summons and Complaint on November 16, 2020 (Exhibit 1). November 16, 2020 is the first day upon which the Board had actual notice of the referenced civil action thus making this Notice of Removal timely under 28 U.S.C. §1446(b)(1).

3. The Board seeks removal of the instant action pursuant to 28 U.S.C. §1441(a) which provides as follows:

Except as otherwise expressly provided by Act of Congress, any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.

28 U.S.C. §1441(a).

4. The only claim(s) asserted in Plaintiff's Complaint are premised on Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e, *et seq.* Original jurisdiction over Plaintiff's claim is conferred upon this Court by 28 U.S.C. §1331 which provides that "[t]he district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States." 28 U.S.C. §1331. Accordingly, this claim is removable pursuant to 28 U.S.C. §1441(a).

5. In accordance with 28 U.S.C. §1446(d), a copy of this Notice of Removal is being filed with the Clerk of the Circuit Court of Jefferson County, Alabama.

6. A copy of this Notice of Removal is also being served on counsel for Plaintiff.

7. Copies of all process and pleadings served on Defendant Board in the civil action filed in the Circuit Court of Jefferson County, Alabama are attached collectively hereto as Exhibit 1.

WHEREFORE, premises considered, Defendant Birmingham Board of Education removes this action from the Circuit Court of Jefferson County, Alabama to the United States District Court for the Northern District of Alabama and requests that this Court take jurisdiction of this civil action to the exclusion of any further proceedings in the Circuit Court of Jefferson County, Alabama.

Respectfully submitted this 14<sup>th</sup> day of December, 2020.

BIRMINGHAM BOARD OF EDUCATION

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*s/Afrika C. Parchman*

Afrika C. Parchman

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*s/Carl Johnson*

Carl Johnson

*s/Claire Hyndman Puckett*

Claire Hyndman Puckett

*Attorneys for Defendant*

*Birmingham Board of Education*

### **CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing Notice of Removal with the Clerk of the Court the Clerk of the Court using the CM/ECF system and will serve on counsel of record by United States mail, postage prepaid and properly addressed on this the 14th day of December, 2020, to the following:

Terrell E. McCants  
Burrell & McCants, LLC  
712 32<sup>nd</sup> Street South  
Birmingham, AL 35233  
[terrell@burrellmccants.com](mailto:terrell@burrellmccants.com)

I further certify that a complete copy of this Notice of Removal is being filed with the Clerk of the Circuit Court of Jefferson County, Alabama using the Alafire.com system as an attachment to the Notice of Filing of Notice of Removal to the United States District Court for the Northern District of Alabama, Civil Action Number: 01-CV-2020-903849, on this the 14<sup>th</sup> day of December, 2020.

*s/ Carl Johnson*  
Carl Johnson